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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,169	02/26/2002	Petri Hyyppa	042933/299815	5147
826 7590 04/09/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER IQBAL, KHAWAR	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/083, 169

Applicant(s)

HYPPA ET AL.

Examiner

KHAWAR IQBAL

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed in the 02-15-08 Remarks have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicant's argument was that "Neither of these disclosures relates to automatically inserting transaction information in response to recognition at a user equipment of incoming data as an information entity including data fields or determining at a user equipment that an incoming information entity has been sent by a trusted party". Examiner respectfully disagrees with this argument. Breck teaches that when cardholder 1 is logging in a card provider's web site (see para. # 0067, lines 5-7 and fig. 5), after authenticating a cardholder 1, the card provider 3 automatically filled the payment fields 144, 146, 148 in FIG. 7 on the payment web page 2b in FIG. 7. Furthermore, examiner considers the claimed "or" in line 4 of the claim 1 as simple alternative "or", therefore, examiner selects only the claimed "automatically inserting transaction information in response to recognition at a user equipment of incoming data as an information entity including data fields". In other word, examiner does not need to consider the citation "determining at a user equipment that an incoming information entity has been sent by a trusted party". Further Breck states that the cardholder 1 drags and drops, or auto-fills the STN 15 (and needed information) into the appropriate merchant payment field (step 312, fig. 15, para. # 0105), the cardholder 1 will hit "check out" and the smartchip payments checkout process may auto-generate and auto-fill the STN 15 and transaction information into the appropriate payment field (an applet may be read off of the smartcard to transfer number to merchant site.) (see para. # 0077-0078) and the cardholder 1 is hyperlinked automatically to a card provider's web site to log in 130 (FIG. 5), which resides on and is managed by the card provider's user interface system 4 (e.g., web server), and, upon logging in, obtains a STN 15 that may then be automatically filled by downloaded from a digital wallet into the payment fields 144, 146, 148 (FIG. 7) on the payment web page 2b (para. # 0067).

Applicant argument against Laage was that "Neither of these disclosures relates to automatically inserting transaction information in response to recognition at a user equipment of incoming data as an information entity including data fields or determining at a user equipment that an incoming information entity has been sent by a trusted party". Examiner respectfully disagrees with this argument. In page 6, paragraph 0078, Laage teaches that the fields required by the merchant site are automatically filled out after the user is authenticated. It clearly means that transaction information is automatically inserted in response to recognition of incoming data as an information entity including data fields at user equipment. Furthermore, examiner considers the claimed "or" in line 4 of the claim 1 as simple alternative "or", therefore, examiner selects only the claimed "automatically inserting transaction information in response to recognition at a user equipment of incoming data as an information entity including data fields". In other word, examiner does not need to consider the citation "determining at a user equipment that an incoming information entity has been sent by a trusted party". Note: breath of claims do not define over Breck and Laage.